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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,286	01/22/2002	Aaron G. Wells	01-574	5320

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

21

Office Action Summary	Application No. 10/054,286	Applicant(s) WELLS, AARON G.	
	Examiner Girumsew Wendmagegn	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/22/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Figures 2 and 3 'a' and 'b' characters next to the numbers 110,124,150,152,154, and 156. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The "apparatus" lack antecedent basis. For compact prosecution purpose claim 14 assume to be depend from claim 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3, 7-10, 13, 14 and 16- 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeannin (Pub number US 2003/0123841).

Claim 1, 3, 7-10 drawn to a method for automatically advancing an audio/video signal past undesirable material comprising the step of: detecting possible triggering events during encoding; generating one or more scores of various levels in response to said triggering events; and advancing past said undesirable material during playback. Said method further comprises the step of: adapting one or more thresholds and detection criteria used to generate said one or more scores. One of said score is used to generate a play list to

determine a particular portion of the undesirable material to skip. Said method further comprises recording said encoded audio/video signal. The method, wherein detecting step includes events occurring at the beginning of said undesirable material and at the end of said undesirable material. The undesirable material comprises advertisements

Jeannin teaches a method for automatically advancing an audio/video signal past undesirable material comprising the step of: detecting possible triggering events during encoding; generating one or more scores of various levels in response to said triggering events; and advancing past said undesirable material during playback. Said method further comprises the step of: adapting one or more thresholds and detection criteria used to generate said one or more scores. One of said score is used to generate a play list to determine a particular portion of the undesirable material to skip. Said method further comprises recording said encoded audio/video signal. The method, wherein detecting step includes events occurring at the beginning of said undesirable material and at the end of said undesirable material. The undesirable material comprises advertisements. (See Page 1 Paragraph 0007, 0008 0026, 0030 and Claim 17).

Claim 13, 14, 16-18 drawn to an apparatus comprising; detector circuit to generate audio/video data signal and one or more score signals and data storage device. The data storage device comprises a random access storage device and a hard disk drive. The apparatus integrated into an audio/video playback system

Jeannin teaches an apparatus which integrated into an audio/video playback system comprising; detector circuit to generate audio/video data signal and one or more score signals and data storage device. The data storage device comprises a random access storage device, optical disk drive and hard disk drive (see Figure 2 and paragraph 0023)

Claim 19 and 20 drawn to the apparatus according to claim 13, wherein said detector circuit comprises an audio processor and a video processor each configured to detect triggering events. The apparatus further comprises an analyzer circuit configured to generate said score.

Jeanin teach detector circuit comprises an audio processor and a video processor each configured to detect triggering events and generate said score (See claim 19)

Claim21 drawn to a means generating audio/video data signal and one or more score signals; means for storing said audio/video signals; and means for generating on output signal.

Jeannin teaches a means generating audio/video data signal and one or more score signals; means for storing said audio/video signals; and means for generating on output signal (see Figure 2)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeannin (Pub number US2003/0123841) as applied to Claim1, 3, 8-10,13,14 and 16-21 above, and further in view of Tada et al. (patent number US 6,002,831).

Claim2 drawn to the method according to claim1, wherein detection step comprises detecting synchronized audio and video statistics from both an audio portion and a video portion of said audio/video signal.

See the teaching of Jeannin above. Jeanin does not teach detecting synchronized audio and video statistics from both an audio portion and a video portion of said audio/video signal. However Tada et al. teaches detecting synchronized audio and video statistics from both an audio portion and a video portion of said audio/video signal (see column 2 lines 40-48)

One of ordinary skill in the art at the time the invention was made would have been motivated to detect synchronized audio and video statistics data in the method of Jeanin to delete the commercial audio and video messages in the same broadcasting mode (see Tada et al. column 2 line 8- column 3 line 37).

Claim4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeannin (Pub number US2003/0123841) as applied to Claim1, 3, 8-10,13,14 and 16-21 above, and further in view of Geer et al. (Patent number US 6,788,882).

Claim 4 drawn to the method according to claim1, wherein said method comprises a semi-automatic mode wherein said advancing is started in response to user input.

See the teaching of Jeannin above. Jeannin does not teach method comprises a semi-automatic mode wherein said advancing is started in response to user input. However

Art Unit: 2633

Geer et al. teaches semi-automatic mode wherein said advancing is started in response to user input (see Column 9 lines 18-20).

One of ordinary skill in the art at the time the invention was made would have been motivated to start advancing in response to user input as stated by Geer et al. in Jeannins apparatus because the user can perform catching-up a program viewing which already started. (Geer et al. column 9 lines 8-43).

Claim 15 drawn to the apparatus according to claim13, wherein said data storage device generates said output signal in response to a user input.

See the teaching of Jeannin above. Jeannin does not teach data storage device generates output signal in response to a user input However Geer et al. teaches data storage device generates output signal in response to a user input (see Column 10 lines 6-8).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the semi-automatic mode of Geer et al. in Jeannins apparatus because if the automatic skipping skipped too far or too behind the user can tune backward or forward until the end of the commercial detected. (Geer et al. column 10 lines 1-31).

Art Unit: 2633

Claim 5,6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeannin (Pub number US2003/0123841) as applied to Claim1, 3, 8-10,13,14 and 16-21 above, and further in view of Peliotis et al. (Pub number US 2002/0065678).

Claim 5,6 and 11 drawn to the method according to claim1 inserting alternate material in place of material advanced past. Advanced passing step is enabled or disabled in repose to a user input.

Jeannin teaches enabling or disabling of advanced passing in response to a user input(see paragraph 0026). How ever Jeannin does not teach inserting alternate material in place of material advanced past. But Peliotis et al. teaches replacing video segment with another (See paragraph 0008)

One of ordinary skill in the art at the time the invention was made would have been motivated to replace undesirable material as stated by Peliotis et al.in Jeannins method to select video segments in order to maximize the content for a video viewing segment (see paragraph 37)

Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeannin (Pub number US2003/0123841) as applied to Claim1, 3, 8-10,13,14 and 16-21 above, and further in view of Dimitrova et al. (Patent number US 6,100,941).

Art Unit: 2633

Claim 12 drawn to a particular score is used to determine how aggressive the method determines whether a triggering event is detected.

See the teaching of Jeannin above. Jeannin does not teach a particular score is used to determine how aggressive the method determines whether a triggering event is detected. However Dimitrova et al. teaches a particular score is used to determine how aggressive the method determines whether a triggering event is detected (Column 1 line 10-22)


One of ordinary skill in the art at the time the invention was made would have been motivated to determine how aggressive the method of Dimitrova et al. determines whether a triggering event is detected in Jeannins apparatus because it would prompted a user what level of confidence she/ he desires in discerning a commercial (see column 15 lines 50-57)


Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shanon A. Foley


Girumsew Wendmagegn

Supervisory Patent Examiner